

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Timmy K. Messner**  
**Patricia L. Messner**  
**aka Patti L. Messner, aka Patricia Messner**  
Debtor(s)

Bankruptcy Case No.: 19-22342-CMB  
Issued Per July 22, 2019 Proceeding  
Chapter: 13  
Docket No.: 26 – 5  
Concil. Conf.: December 5, 2019 at 02:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated May 23, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Dec. 5, 2019 at 02:00 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim of ONEMAIN (Claim No.5) shall govern as to claim amount, to be paid at the modified plan terms.  
Counsel fees are payable up to the 'no-look' fee based on retainer of \$600.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: July 25, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 6**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Timmy K. Messner  
 Patricia L. Messner  
 Debtors

Case No. 19-22342-CMB  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: jhel  
 Form ID: 149

Page 1 of 3  
 Total Noticed: 61

Date Rcvd: Jul 25, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 27, 2019.

db/jdb +Timmy K. Messner, Patricia L. Messner, 138 Bulger Candor Road, Bulger, PA 15019-2038  
 15068351 +AAA Debt Recovery, PO Box 129, Monroeville, PA 15146-0129  
 15068354 +AES/PHEAA, Attn: Bankruptcy, Po Box 2461, Harrisburg, PA 17105-2461  
 15068353 +AES/PHEAA, 1112 7th Ave, Monroe, WI 53566-1364  
 15068355 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bank Of America, El Paso, TX 79998)  
 15068356 +Bank Of America, 4909 Savarese Circle, FL1-908-01-50, Tampa, FL 33634-2413  
 15090365 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284  
 15068359 ++CAINE & WEINER COMPANY, 12005 FORD ROAD 300, DALLAS TX 75234-7262  
 (address filed with court: Caine & Weiner, Po Box 55848, Sherman Oaks, CA 91413)  
 15068362 ++COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157  
 (address filed with court: Columbia Gas, Attn: Bankruptcy, 290 West Nationwide Blvd., Columbus, OH 43215)  
 15078318 +COMCAST, PO BOX 1931, Burlingame, CA 94011-1931  
 15068360 +Caine & Weiner, Attn: Bankruptcy, 5805 Sepulveda Blvd, Sherman Oaks, CA 91411-2546  
 15091824 +Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701  
 15068363 +Columbia Gas, c/o CBCS, PO Box 2589, Columbus, OH 43216-2589  
 15068364 +Convergent Outsourcing, Inc., 800 Sw 39th St, Renton, WA 98057-4927  
 15068366 +Convergent Outsourcing, Inc., Attn: Bankruptcy, Po Box 9004, Renton, WA 98057-9004  
 15068369 +Department Store National Bank/Macy's, Attn: Bankruptcy, 9111 Duke Boulevard, Mason, OH 45040-8999  
 15068368 +Department Store National Bank/Macy's, Po Box 8218, Mason, OH 45040-8218  
 15068371 +Diversified Consultants, Inc., Attn: Bankruptcy, Po Box 679543, Dallas, TX 75267-9543  
 15068373 ++FIRST SAVINGS BANK, PO BOX 5096, SIOUX FALLS SD 57117-5096  
 (address filed with court: First Savings Credit Card, 500 East 60th St North, Sioux Falls, SD 57104)  
 15091086 +First Commonwealth Bank, c/o Karen L.Hughes, Esquire, AAS Debt Recovery Inc., 2526 Monroeville Blvd., Suite 205, Monroeville, PA 15146-2371  
 15068374 +First Savings Credit Card, Attn: Bankruptcy Department, Po Box 5019, Sioux Falls, SD 57117-5019  
 15068375 +Frederic I. Weinberg & Associates P.C., 375 E. Elm Street, Suite 210, Conshohocken, PA 19428-1973  
 15068377 +I C System Inc, Po Box 64378, Saint Paul, MN 55164-0378  
 15068382 +I C System Inc, Attn: Bankruptcy, Po Box 64378, St Paul, MN 55164-0378  
 15068388 +Kohls/Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285  
 15068401 Phelan Hall Diamond & Jones, 1617 JFK Blvd., Ste 1400, One Penn Center Plaza, Philadelphia, PA 19103  
 15068402 Pressler and Pressler, LLP, 7 Enzin Road, Attn: Ian Z. Winograd, Esquire, Parsippany, NJ 07054-5020  
 15068403 +Range Resources Appalachia, LLC, 622 Eagle Pointe Drive, Canonsburg, PA 15317-7515  
 15068406 +Santander Bank N.A., 1 Corporate Drive, Lake Zurich, IL 60047-8944  
 15068410 +The Bureaus Inc, 650 Dundee Road, Northbrook, IL 60062-2747  
 15068411 +The Bureaus Inc, Attn: Bankruptcy, 650 Dundee Rd, Ste 370, Northbrook, IL 60062-2757  
 15068418 +Windham Professionals, 380 Main St, Salem, NH 03079-2412

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. cr

+E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jul 26 2019 03:24:42  
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 15068358 +E-mail/Text: bkmailbayview@bayviewloanservicing.com Jul 26 2019 03:14:28  
 Bayview Financial Loan, Attn: Bankruptcy Dept, 4425 Ponce De Leon Blvd. 5th Floor, Coral Gables, FL 33146-1873  
 15068357 +E-mail/Text: bkmailbayview@bayviewloanservicing.com Jul 26 2019 03:14:28  
 Bayview Financial Loan, 4425 Ponce De Leon Blvd, Coral Gables, FL 33146-1873  
 15068361 +E-mail/Text: bankruptcy@cavps.com Jul 26 2019 03:14:20  
 Calvalry Portfolio Services LLC, 500 Summit Lake Drive, Suite 4A, Valhalla, NY 10595-2323  
 15068370 +E-mail/Text: bankruptcy@dcicollect.com Jul 26 2019 03:14:29  
 Diversified Consultants, Inc., P O Box 551268, Jacksonville, FL 32255-1268  
 15068372 +E-mail/Text: bknotice@ercbpo.com Jul 26 2019 03:14:15  
 ERC/Enhanced Recovery Corp, 8014 Bayberry Rd, Jacksonville, FL 32256-7412  
 15068376 +E-mail/Text: fsncustbrnotice@fullservicenet.com Jul 26 2019 03:13:39  
 Full Service Network, 600 Grant St Fl 30, Pittsburgh, PA 15219-2709  
 15068387 +E-mail/Text: bncnotices@becket-lee.com Jul 26 2019 03:13:41  
 Kohls/Capital One, N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-5660  
 15076355 E-mail/PDF: resurgentbknofications@resurgent.com Jul 26 2019 03:24:11  
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 15068390 +E-mail/PDF: resurgentbknofications@resurgent.com Jul 26 2019 03:23:35  
 LVNV Funding/Resurgent Capital, Attn: Bankruptcy, Po Box 10497, Greenville, SC 29603-0497  
 15068389 +E-mail/PDF: resurgentbknofications@resurgent.com Jul 26 2019 03:24:11  
 LVNV Funding/Resurgent Capital, Po Box 1269, Greenville, SC 29602-1269  
 15068391 +E-mail/Text: bankruptcydpt@mcmcg.com Jul 26 2019 03:14:10  
 Midland Funding, 2365 Northside Dr Ste 30, San Diego, CA 92108-2709

District/off: 0315-2

User: jhel  
Form ID: 149

Page 2 of 3  
Total Noticed: 61

Date Rcvd: Jul 25, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

15068394 +E-mail/Text: bankruptcydpt@mcmcg.com Jul 26 2019 03:14:10 Midland Funding,  
2365 Northside Dr Ste 300, San Diego, CA 92108-2709  
15068400 +E-mail/PDF: cbp@onemainfinancial.com Jul 26 2019 03:23:21 OneMain Financial,  
Attn: Bankruptcy, 601 Nw 2nd Street, Evansville, IN 47708-1013  
15068399 +E-mail/PDF: cbp@onemainfinancial.com Jul 26 2019 03:23:54 OneMain Financial, Po Box 1010,  
Evansville, IN 47706-1010  
15083621 +E-mail/PDF: cbp@onemainfinancial.com Jul 26 2019 03:23:25 Onemain, PO Box 3251,  
Evansville, IN 47731-3251  
15076358 E-mail/Text: bnc-quantum@quantum3group.com Jul 26 2019 03:13:55  
Quantum3 Group LLC as agent for, CF Medical LLC, PO Box 788, Kirkland, WA 98083-0788  
15068404 +E-mail/Text: Supportservices@receivablesperformance.com Jul 26 2019 03:14:41  
Receivables Performance Mgmt, 20816 44th Ave West, Lynnwood, WA 98036-7744  
15068405 +E-mail/Text: Supportservices@receivablesperformance.com Jul 26 2019 03:14:41  
Receivables Performance Mgmt, Attn: Bankruptcy, Po Box 1548, Lynnwood, WA 98046-1548  
15068407 +E-mail/Text: bankruptcy@sccompanies.com Jul 26 2019 03:14:46 Seventh Avenue,  
1112 Seventh Avenue, Monroe, WI 53566-1364  
15068409 +E-mail/Text: bankruptcy@sw-credit.com Jul 26 2019 03:14:12 Southwest Credit Systems,  
4120 International Parkway, Suite 1100, Carrollton, TX 75007-1958  
15068408 +E-mail/Text: bankruptcy@sw-credit.com Jul 26 2019 03:14:12 Southwest Credit Systems,  
4120 International Parkway, Carrollton, TX 75007-1958  
15068876 +E-mail/PDF: gecsedirecoverycorp.com Jul 26 2019 03:23:20 Synchrony Bank,  
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
15068412 E-mail/Text: elenas@uscbcorporation.com Jul 26 2019 03:13:36 USCB Corporation,  
101 Harrison Street, Archbald, PA 18403  
15068413 E-mail/Text: elenas@uscbcorporation.com Jul 26 2019 03:13:36 Uscb Corporation,  
Attn: Bankruptcy, Po Box 75, Archbald, PA 18403  
15068415 +E-mail/Text: wfmelectronicbankruptcy@verizonwireless.com Jul 26 2019 03:13:33  
Verizon, Verizon Wireless Bk Admin, 500 Technology Dr Ste 550,  
Weldon Springs, MO 63304-2225  
15068414 +E-mail/Text: wfmelectronicbankruptcy@verizonwireless.com Jul 26 2019 03:13:33  
Verizon, 500 Technology Drive, Weldon Spring, MO 63304-2225  
15068417 +E-mail/Text: bankruptcy@firstenergycorp.com Jul 26 2019 03:14:13 West Penn Power\*,  
1310 Fairmont Avenue, Fairmont, WV 26554-3526  
15068416 +E-mail/Text: bankruptcy@firstenergycorp.com Jul 26 2019 03:14:13 West Penn Power\*,  
5001 NASA Blvd, Fairmont, WV 26554-8248

TOTAL: 29

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Bayview Loan Servicing, LLC, a Delaware Limited Li  
cr SANTANDER BANK, N.A.  
15068352\* +AAA Debt Recovery, Pob 129, Monroeville, PA 15146-0129  
15068365\* +Convergent Outsourcing, Inc., 800 Sw 39th St, Renton, WA 98057-4927  
15068367\* +Convergent Outsourcing, Inc., Attn: Bankruptcy, Po Box 9004, Renton, WA 98057-9004  
15068378\* +I C System Inc, Po Box 64378, Saint Paul, MN 55164-0378  
15068379\* +I C System Inc, Po Box 64378, Saint Paul, MN 55164-0378  
15068380\* +I C System Inc, Po Box 64378, Saint Paul, MN 55164-0378  
15068381\* +I C System Inc, Po Box 64378, Saint Paul, MN 55164-0378  
15068383\* +I C System Inc, Attn: Bankruptcy, Po Box 64378, St Paul, MN 55164-0378  
15068384\* +I C System Inc, Attn: Bankruptcy, Po Box 64378, St Paul, MN 55164-0378  
15068385\* +I C System Inc, Attn: Bankruptcy, Po Box 64378, St Paul, MN 55164-0378  
15068386\* +I C System Inc, Attn: Bankruptcy, Po Box 64378, St Paul, MN 55164-0378  
15068392\* +Midland Funding, 2365 Northside Dr Ste 30, San Diego, CA 92108-2709  
15068393\* +Midland Funding, 2365 Northside Dr Ste 30, San Diego, CA 92108-2709  
15068395\* +Midland Funding, 2365 Northside Dr Ste 300, San Diego, CA 92108-2709  
15068396\* +Midland Funding, 2365 Northside Dr Ste 300, San Diego, CA 92108-2709  
15068397\* +Midland Funding, 2365 Northside Dr Ste 300, San Diego, CA 92108-2709  
15068398\* +Midland Funding LLC, 2365 Northside Dr Ste 30, San Diego, CA 92108-2709

TOTALS: 2, \* 17, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 27, 2019

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: jhel  
Form ID: 149

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Total Noticed: 61

Date Rcvd: Jul 25, 2019

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 25, 2019 at the address(es) listed below:

Christopher M. Frye on behalf of Joint Debtor Patricia L. Messner  
chris.frye@steidl-steinberg.com,  
julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo  
ga@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-ste  
inberg.com

Christopher M. Frye on behalf of Debtor Timmy K. Messner chris.frye@steidl-steinberg.com,  
julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo  
ga@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-ste  
inberg.com

James Warmbrodt on behalf of Creditor Bayview Loan Servicing, LLC, a Delaware Limited  
Liability Company bkgroup@kmlawgroup.com

Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour cmecf@chapter13trusteedpa.com

Thomas Song on behalf of Creditor SANTANDER BANK, N.A. pawb@fedphe.com

TOTAL: 6